

## REMARKS

The present application was filed on November 24, 1999 with claims 1-20. Claims 1 through 20 are presently pending in the above-identified patent application.

5 In the Office Action, the Examiner rejected claims 1-20 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and rejected claims 1-20 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

10 Section 112 Rejections

Claims 1-20 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and claims 1-20 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement  
15 requirement. In particular, the Examiner asserts the phrase "segmenting the difference image...through the entire image" in claim 1 is not sufficiently supported by the present specification. The Examiner further asserts that the text on page 10, lines 17-19, that states that "the segmentation  
20 approach used in the illustrative embodiment of the present invention makes use of a grouping principle for pre-attentive perception" is referring to the extraction of the motion silhouettes and not the region segmentation.

As was noted in the Amendment and Response to Office Action  
25 dated July 15, 2004, support for the first citation (recited in claim 1) can be found on page 11, lines 4-6, of the originally filed specification. As stated on page 11, lines 6-11, of the originally filed specification, the segmentation approach that uses a grouping principle for pre-attentive perception (as  
30 disclosed in the present specification) is similar to the

"matter is cohesive" principle, described in D. Marr, "Vision: A Computational Investigation into the Human Representation and Processing of Visual Information," W.H. Freeman and Co., San Francisco, 1982, which is commonly interpreted as a smoothness or continuity constraint. Applicant maintains that a person of ordinary skill in the art would look to the present disclosure as well as the cited reference (Marr) for a detailed description of the cited segmentation approach, and that the cited references meet the written description and enablement requirements.

Applicant also notes that, contrary to the Examiner's assertion, the cited segmentation approach that makes use of a grouping principle for pre-attentive perception is referring to region segmentation. The present disclosure teaches that the segmentation approach that makes use of a grouping principle for pre-attentive perception is similar to the "matter is cohesive" principle taught by Marr, and that the "matter is cohesive" principle is "commonly interpreted as a smoothness or **continuity constraint.**" (Page 11, lines 4-11; emphasis added.) The present disclosure then further teaches that "**this constraint** has been used by various techniques that produce a non-parametric description for the *segmentation and grouping of curves and/or regions* from noisy data set." (Page 11, lines 12-14; emphasis added.)

Thus, Applicant maintains that the present disclosure meets the written description and enablement requirements, and that the disclosed segmentation approach that makes use of a grouping principle for pre-attentive perception is referring to the region segmentation. Applicant therefore respectfully requests that the section 112 rejections be withdrawn.

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance.

Early and favorable action is earnestly solicited.

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Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

It is hereby certified that this correspondence is being transmitted via facsimile to Examiner Chong R. Kim of the U.S. Patent and Trademark Office at 571-273-8300 on the date indicated below.

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On July 7, 2005

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By Gene Maurio